



Areas of special attention for ships flying the flag of the Netherlands

This document informs shipbuilders, shipowners, crewmembers and recognised organisations (classification societies) about additional or more stringent requirements and interpretations of the Netherlands flag Administration¹ in relation to the International Conventions² of the United Nations, International Maritime Organisation, International Labour Organisation and European legislation (regulations and directives). It comprises both requirements and interpretations of certain regulations which are more stringent, where experience shows that discussion is raised, requirements are misinterpreted or even forgotten. This document does not comprise any Community legislation where it is obvious to be applicable. For all relevant (inter)national legislation, mandatory requirements, policy rules, instructions to ROs (ItoROs) and Information to Shipping (Its), reference is made to the [NSI website](#).

Registration

Description requirement	Legal base (Dutch law)
For a seagoing ship to be registered in the Netherlands, the owner or one or more natural persons on behalf of the owner has a principal place of business or a branch in the Netherlands according to the Commercial Registers Act 2007.	Commercial Code, Article 311.
In case where the management has been transferred to a company with an office in the Netherlands, the owner does not have to establish an office in the Netherlands, provided the owner elects domicile at the Dutch office of the company managing the vessel.	
For a seagoing ship registered outside the Netherlands to be registered in the public bareboat charter register in the Netherlands, the bareboat charterer or one or more natural persons on behalf of the bareboat charterer has a principal place of business or a branch in the Netherlands according to the Commercial Registers Act 2007.	Vessels under Bareboat Charter Act, Article 3.
The person who operates a ship for which a certificate of (bareboat) registry has been issued, provides for the availability of certain data and documents regarding that seagoing vessel in his office in the Netherlands.	Regulation Inspection of Data and Documents of the Certificates of Registration act, Article 1.

Ships not falling under the scope of the International Conventions

Description requirement	Legal base (Dutch law)
For propelled ships of more than 24 meter and less than 500 GT, in principle, the requirements of chapters II-1, II-2, III, IV, V and XII of the SOLAS Convention are equally binding. For specific exemptions see Regulation Safety Seagoing Vessels, Article 24, Article 37a and 37b.	Ships Decree 2004, Article 41. <i>Instruction to ROs no. 2.</i>
For propelled cargo ships with a length of less than 24 metres, the requirements with respect to the National Safety Certificate are laid down in paragraph 1 of Annex 3 of the Regulation Safety Seagoing Vessels. <i>With regard to asbestos, the Products Decree Asbestos 2004 applies.</i>	Ships Decree 2004, Article 41.4 Regulation Safety Seagoing Vessels, Article 18a and Annex 3 – paragraph 1. <i>Instruction to ROs no. 2.</i>
For non-mechanically propelled ships, the requirements with respect to the National Safety Certificate are laid down in paragraph 1 of Annex 3 of the Regulation Safety Seagoing Vessels and should comply with the requirement of SOLAS Chapter V - Regulation V/19.2.1.7. Please note additional requirements for such vessels in case of manned operation at sea.	Regulation Safety Seagoing Vessels, Article 18a, Article 41, 55 and Annex 3 – Paragraph 2. <i>Instruction to ROs no. 2.</i>
For cargo ships with a length of less than 12 metres, no International Safety Certificates or National Safety Certificate is required (note: MARPOL, MLC and manning legislation are applicable).	Ships Decree 2004, Article 6.2. <i>Seafarers Act</i> <i>Prevention of Pollution from ships Act</i>

Security

Description requirement	Legal base (Dutch law)
Frequency of searches of embarking persons.	Policy Rule Safety Seagoing Vessels, Article 2.7.
For all interpretations on security, see www.ilent.nl/english/merchant_shipping/ship_owners_dutch_flag/security/intepretations/	<i>Instruction to ROs no. 25</i>

¹ This document is not intended to provide information on requirements for fishing vessels or vessels registered in the overseas part of the Netherlands.

² UNCLOS, SOLAS, MARPOL, Load Lines, Tonnage Measurement, STCW and MLC,2006.

Safety

Description requirement	Legal base (Dutch law)
<p>In addition to SOLAS Chapter II-1, regulation 3-5, the national provisions as laid down in Instruction to ROs no. 24 "Ban on the use of asbestos on board ships" apply to:</p> <p>1. All new ships irrespective of size and length, that are:</p> <ul style="list-style-type: none"> - being built at a shipyard in the Netherlands; - being built at a shipyard outside the Netherlands under the requirements of the Netherlands flag and flying the Netherlands flag upon delivery; - being built at a shipyard outside the Netherlands under the requirements of a flag other than the Netherlands, but flying the Netherlands flag upon delivery; <p>2. All existing ships, irrespective of size and length, that are or will be flying the Netherlands flag.</p>	<p>SOLAS Chapter II-1, Regulation 3-5</p> <p>Products Decree Asbestos 2004, Article 4</p> <p>Policy rule (under development)</p> <p><i>Instruction to ROs no. 24</i></p>
<p>A cargo ship with a length of 24 meters or more or a passenger ship that has been equipped with a BNWAS on or after 1 July 2009 but before 1 July 2011, shall meet the requirements of IMO resolution MSC.128(75).</p> <p>A BNWAS placed before 1 July 2009 may be exempted from the requirements of IMO resolution MSC.128(75).</p>	<p>Regulation Safety Seagoing Vessels, Article 24.3.</p> <p>Regulation Safety Seagoing Vessels, Article 41a.</p>
<p>If an acetylene welding and cutting system, consisting of acetylene and oxygen bottles (also medical), including the space for storage, pipelines, hoses and appendages, is positioned on board of a ship, this system shall be periodically examined, well maintained, positioned and arranged such that the risk of fire or explosion for an operating as well as a non-operating system has been minimized.</p>	<p>Regulation Safety Seagoing Vessels, Article 23.6 & 23.8</p> <p>Policy Rule Safety Seagoing Vessels, Article 5.</p> <p><i>Instructions to ROs no. 19</i></p>
<p>If an electrical welding set with corresponding equipment is on board of a ship, this equipment shall be periodically examined, well maintained and arranged such that it cannot impose danger to persons or the surrounding area with due regard for the special circumstances on board.</p>	<p>Regulation Safety Seagoing Vessels, Article 23.7</p> <p>Policy Rule Safety Seagoing Vessels, Article 5</p>
<p>The electrical installations on board of a ship should meet the standards in Publication 92 (Electrical Installations on Board of Ships) of the International Electro technical Committee or equivalent standards of a classification society assigned pursuant to article 36 of the Ship Decree 2004.</p>	<p>Regulation Safety Seagoing Vessels, Article 23.1</p> <p>NSI Circular no. 34</p>
<p>The construction and design and the maintenance of electrical passenger lifts comply with:</p> <p>a) the rules of a classification society assigned pursuant to article 36 of the Ships Decree 2004, or:</p> <p>b) the standard issued by the Dutch Standardization Institute in Delft, NEN 28 383.</p>	<p>Regulation Safety Seagoing Vessels; Article 23.2</p>
<p>In addition to provision II-1/42.2, respectively II-1/43.2, of the SOLAS Convention, the electrical emergency power source available on board of a ship is also able to supply power during at least 36 hours, in case of a passenger ship, and at least 18 hours, in case of a cargo ship, for the benefit of emergency lighting in galleys, messes and other rooms for general use.</p>	<p>Regulation Safety Seagoing Vessels, Article 23.3</p>
<p>Guidelines for the control and safeguarding of the machinery installation for unattended engine room (SOLAS and non-SOLAS vessels), including communication between navigating bridge and machinery space and Engineer's alarm.</p>	<p>NSI Circular 31 and 34</p> <p>Regulation Safety seagoing ships Article (tbd) and Policy Rule (under development)</p> <p><i>Instruction to ROs no.17</i></p>
<p>Several safety related IMO instruments are implemented as policy rule.</p>	<p>Policy Rule Safety Seagoing Vessels (for the latest version see EasyRules)</p>

Ship structure and stability

Description requirement	Legal base (Dutch law)
<p>A vessel complies with all applicable requirements for intact stability with Part A of the IS-Code (shall be considered mandatory).</p>	<p>Regulation Safety Seagoing Vessels, Article 22.</p>
<p>Offshore supply vessels and offshore support vessels as referred to in IMO Resolution A.673(16), not being an offshore support vessels as referred to in Article 1.5.3 of that resolution, comply with the requirements of MSC Resolution 235(82) as amended (by MSC Resolution 335(90)).</p>	<p>Regulation Safety Seagoing Vessels, Article 21.</p>
<p>In probabilistic damage stability calculations for cargo ships compliant with SOLAS Chapter II-2, the air pipes need not to be considered as down flooding points, provided that the air pipe closing devices, the related procedures and the ship, comply with the requirements stipulated in IMO Circular letter No. 3573. A notification in accordance with article 4 of circular letter No. 3573 shall be made on the ship's certificate.</p>	<p>Ships Decree 2004, Article 47.</p>

Environment

Description requirement	Legal base (Dutch law)
Several environment related IMO instruments (IMO resolutions, IMO circulars and IMO codes) are implemented as policy rule: 1. IMO MEPC resolutions 96(47), 103(49), 110(49), 148(54), 171(57), 181(59), 209(63), 210(63), 211(63), 212(63), 213(63), 214(63), 215(63), 219(63), 220(63), 221(63), 231(65) and 232(65). 2. IMO circulars MSC-MEPC.5/Circ.6, MSC-MEPC.5/Circ.7, 3. IMO MEPC circulars 304, 614, 761, 791, 796, 809, 810, 812, and 813.	Prevention of Pollution from ships Act Policy Rule (under development) EasyRules

Crew

Description requirement	Legal base (Dutch law)
For the issue of a Certificate of Recognition of a non Dutch Certificate of Competence as master pursuant to the Articles 22 or 22a of the Seafarers Act, the applicant shall submit the Certificate Legislation and Official Authority.	Decree Seafarers Merchant Shipping and Sailing Ships, Article 10
On Dutch vessels, only persons shall be appointed master who have the nationality of: a. The Kingdom of the Netherlands, or b. Another state, but only when they have been exempted under Article 30 from the requirement mentioned in the opening sentence and in subparagraph a.	Seafarers Act, Article 29 and 30. <i>Instruction to ROs no. 10</i>
Every ship-owner or –manager should declare, via a declaration form issued by the NSI and available on their website, that all communications with regards to the safe operations of the ship are in the same language. This declaration should be on board at all times. Formal endorsement of this declaration by the NSI is not necessary.	Manning Decree, Article 122 and 123
Regulations regarding medical fitness of seafarers.	Decree Seafarers Merchant Shipping and Sailing Ships, Chapter 6
Several manning and training related national instruments are implemented as policy rule.	Policy Rule Manning (see EasyRules)

Cargo

Specific requirements for the carriage of timber deck cargoes (in particular approval of equipment and NEN test standards).	Regulation Safety Seagoing Vessels, Article 42.
The Cargo Securing Manual, as referred to in the provisions VI/5.6 and VII/5 of the SOLAS Convention, complies with the Guidelines for the Preparation of the Cargo Securing Manual determined by IMO circular MSC.1/Circ. 1353-Rev.1 and MSC.1/Circ. 1355.	Regulation Safety Seagoing Vessels, Article 44.
An offshore support vessel as referred to in Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (IMO Resolution A.673(16)), not being an offshore support vessels as referred to in Article 1.5.3 of that resolution, complies with the requirements of the aforementioned resolution.	Regulation Safety Seagoing Vessels, Article 21.2.

Medical

Description requirement	Legal base (Dutch law)
The medical equipment including its manual, check-lists and detailed prescription of medicines / medications to be placed on board is available on board of a ship, according to the provisions of Annex 5 to the Regulation Safety Seagoing vessels. Information concerning recent adjustments of the medical equipment: www.ilent.nl/english2/merchant_shipping/medical_information/medical_supplies/ .	Regulation Safety Seagoing Vessels, Article 25.1, 49 and Annex 5.
A Dutch copy (or English if the working language is not Dutch) of the Medical First Aid Guide for use in case of accidents involving dangerous goods (MFAG) determined by circular MSC/Circ.857 is available on board of a ship carrying dangerous goods (SOLAS, Chapter VII).	Regulation Safety Seagoing Vessels, Article 25.2, 25.3 and 46.
A watertight first-aid outfit capable of being closed tightly after use, provided with the medical equipment as set out in column R of Annex 5, including a Dutch (or English if the working language is not Dutch) list of content and manual is available in liferafts, life- and rescueboats.	Regulation Safety Seagoing Vessels, Article 25.1 and Annex 5, Article 3 and Article 4.

Maritime Labour Conditions

Description requirement	Legal base (Dutch law)
The accommodation of ships must be approved before the construction, conversion or other alteration of the accommodation may start. The procedures for approval of the accommodation of ships and further information may be found on the NSI website . Distinction is made between existing* and new** ships.	Regulation Seafarers, Article 3.23.
Resolution A.468(XII) will remain in force for ships and dredgers regardless of their gross tonnage if they are built before 1 July 2014. For ships and dredgers with a gross tonnage less than 1600 (built on or after 1 July 2014), the requirements of the resolution remain in force as far as reasonable and practicable (reference is made to the table Overview noise level requirements). Other ships should comply with MSC.337(91).	Regulation Safety Seagoing Vessels, Article 23.5. Regulation Seafarers, Regulation 4.3. <i>EU Directive 2003/10/EC.</i>
All sanitary spaces shall be ventilated through an air system, independent of all other parts of the accommodation.	Existing ships*: Seamen's Decree, Article 52.9.
All quarters have to be lighted properly (see for existing vessels the policy rule Lighting Crew's Accommodation for further details) and daylight has to have sufficient access to the day quarters and night quarters.	Existing ships*: Seamen's Decree, Article 53.1 and 53.2 Policy Rule Lighting Crew's Accommodation
On board ships of 400 tonnes and over, but less than 1000 tonnes, a separate day quarter shall be provided for: 1) the master and the officers 2) the ratings On board of ships of 1000 tonnes and over, a separate day quarter shall be provided for: 1) the master and the officers 2) the ratings of the deck personnel 3) the ratings of the engine room personnel.	Existing ships*: Seamen's Decree, Article 56.2.
On board of ships of more than 400 GT, but less than 1000 GT, are separate dayrooms for: a. the master and the officers; b. the other seafarers. On board of ships of 1000 GT or more are separate dayrooms for: a. the master and the officers; b. the senior ratings; c. the other ratings.	New ships**: Seafarers Regulation, Article 3.8 <i>MLC 2006, Standard A3.1 and Guideline B3.1.6.</i> Exemption is allowed.
Drinking-water tanks may not be bounded by oil tanks or sewage tanks, but shall be separated from them by cofferdams. Pipelines, irrespective of their nature, which are not intended for the pumping out of drinking water, may not run through drinking-water tanks. Ships shall be equipped with freshwater tanks that have been isolated by cofferdams from oil tanks and holding tanks for waste water, and constructed such that there are no residues when pumped out and that the hygiene of the drinking water is guaranteed. Pipe lines, of whatever nature, may not run through freshwater tanks.	Existing ship*: Seamen's Decree Article 42a.1. Act on Public Health implementing WHO International Health Regulations, Annex 3 Standard 2.2 – Storage. New ships**: Seafarers Regulation, Article 3.18.
Most guidelines from the MLC 2006 are implemented as requirements concerning accommodation and facilities for the benefit of the seafarers on board.	Seafarers Regulation, Article 3.1 – 3.13
A substantial equivalency exists allowing ships flagging in not to be in conformity with the Seamen's Decree or the Seafarers' Regulation.	Existing ship*: Seamen's Decree art. 67 New ships**: Seafarers Regulation, Article 3.22.
For every ship an inventory and evaluation of the risks regarding safe working practice shall be provided and the outcome documented on board.	Occupational Safety and Health Act, Article 5.

* ships keel laying date before 20 August 2013
** ships keel laying date on or after 20 August 2013

Other

Description requirement	Legal base (Dutch law)
A vessel for which a certificate for the MODU- Code 1979 or 1989, DSC-Code, SPS-Code or SPC-Code 2008 is needed, complies with the respective Code.	Regulation Safety Seagoing Vessels, Article 20.
Instructions for survey and interpretations for Recognised Organisations.	Instructions to ROs (see website).
Information regarding decisions and interpretations on legislation and subjects with an informative nature affecting the maritime industry.	Information to Shipping (see website).